

## Message Text

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-----007715 240110Z /63

O 232242Z DEC 77  
FM SECSTATE WASHDC  
TO AMEMBASSY CAIRO IMMEDIATE  
AMEMBASSY TEL AVIV IMMEDIATE  
INFO USMISSION GENEVA IMMEDIATE

C O N F I D E N T I A L STATE 306583

LIMDIS: FOR THE AMBASSADOR

C O R R E C T E D C O P Y ( P A R A 5 O M I T T E D )

E.O. 11652: GDS

TAGS: ILO, EG, IS

SUBJECT: U.S. MEMBERSHIP IN THE ILO

REFS: STATE 290934, STATE 269659

1. AT THE NOV. 28 CLC MEETING SECRETARY VANCE INDICATED  
HIS WILLINGNESS TO RAISE ILO ISSUES WITH PRESIDENT SADAT  
AND ATTEMPT TO OBTAIN EGYPT'S SUPPORT FOR AN INITIATIVE  
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TO HAVE THE 1978 INTERNATIONAL LABOR CONFERENCE (ILC)  
APPROVE A REPORT OF THE COMMITTEE ON THE APPLICATION OF  
CONVENTIONS AND RECOMMENDATIONS (CACR) WHICH WOULD INCOR-  
PORATE THE SUBSTANCE OF THE 1977 REPORT, ESPECIALLY THE  
PRINCIPLES STATED IN PARA. 31 OF THE 1977 REPORT CONCERN-  
ING UNIFORMITY OF EVALUATION STANDARDS, I.E., NO DOUBLE  
STANDARD APPLIED TO WESTERN AS OPPOSED TO COMMUNIST

COUNTRIES. TWO RECENT DEVELOPMENTS INDICATE IT WOULD NOW BE USEFUL TO RAISE THIS ISSUE WITH BOTH SADAT AND BOUTROUS-GHALI, AS WELL AS APPROPRIATE ISRAELI GOVERNMENT OFFICIALS.

2. FIRST, WE HAVE LEARNED THAT EGYPTIAN ACTING FOREIGN MINISTER BOUTROUS-GHALI HAS SERVED AS A MEMBER OF THE ILO COMMITTEE OF EXPERTS ON THE APPLICATION OF CONVENTIONS AND RECOMMENDATIONS. CONSEQUENTLY, HE WILL BE MORE FAMILIAR THAN FAHMY WITH THE ILO COMPLIANCE MACHINERY. SECOND,

RECENT CONVERSATIONS BETWEEN DEPARTMENT OFFICIALS AND EGYPTIAN GOVERNMENT OFFICIALS IN WASHINGTON INDICATE THAT EGYPT MAY NOW BE MORE FLEXIBLE THAN IN THE PAST ON THIS ISSUE. AMBASSADOR GHORBAL SUGGESTED TO BILL MAYNES THAT A COMPROMISE MIGHT INVOLVE AN EXPLICIT STATEMENT IN THE REPORT OF THE COMMITTEE OF EXPERTS TO THE EFFECT THAT APPLICATION OF ILO CONVENTIONS IN THE OCCUPIED TERRITORIES DOES NOT INDICATE OR IMPLY THAT ISRAEL ENJOYS SOVEREIGNTY OVER THOSE TERRITORIES. SINCE ILO DIRECTOR GENERAL BLANCHARD HAS INFORMED US PRIVATELY THAT HE WOULD BE PREPARED TO HAVE THE ILO LEGAL OFFICE ISSUE AN OPINION WHICH WOULD CONFIRM THE POSITION THAT APPLICATION OF ILO CONVENTIONS IN THE OCCUPIED TERRITORIES DID NOT IN ANY WAY IMPLY THAT ISRAEL ENJOYED SOVEREIGNTY IN THE TERRITORIES, GHORBAL SUGGESTED A RESOLUTION MIGHT ALSO DRAW LANGUAGE FROM THAT ILO OPINION.

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3. IN DISCUSSING THE ISSUE WITH SADAT AND BOUTROUS-GHALI, AND WITH ISRAELI OFFICIALS, YOU SHOULD DRAW ON THE FOLLOWING POINTS:

(A) THE U.S. LEFT THE ILO ONLY WITH THE GREATEST RELUCTANCE. WE RECOGNIZE THE POTENTIAL UTILITY OF THE ORGANIZATION AND THE PRESIDENT HAS STATED THAT THE U.S. REMAINS READY TO RETURN WHENEVER THE ILO IS AGAIN TRUE TO ITS PROPER PRINCIPLES AND PROCEDURES. THE AFL-CIO AND THE CHAMBER OF COMMERCE AGREE WITH THIS POSITION.

(B) PERHAPS THE MOST CRITICAL FACTOR IN THE U.S. DECISION TO WITHDRAW WAS THE REFUSAL OF THE 1977 CONFERENCE TO ACCEPT THE REPORT OF THE CONFERENCE COMMITTEE ON THE APPLICATION OF CONVENTIONS AND RECOMMENDATIONS, FOR ONLY THE SECOND TIME IN 50 YEARS. THE REPORT WAS ESPECIALLY CRITICAL BECAUSE IT CONTAINED AN OBJECTIVE REVIEW OF THE DEGREE OF COMPLIANCE OF MEMBER STATES WITH CONVENTIONS ON FREEDOM OF ASSOCIATION, FORCED LABOR, AND DISCRIMINATION IN EMPLOYMENT, AND IN AN OBJECTIVE MANNER RAISED QUESTIONS ABOUT SOVIET AND CZECH COMPLIANCE, USING THE SAME BENCHMARK

IN JUDGING THESE COUNTRIES AS IN JUDGING NON-COMMUNIST COUNTRIES.

(C) APPROVAL BY THE ILC OF THE 1978 CACR REPORT INCORPORATING THE SUBSTANCE OF THE 1977 REPORT WOULD BE EXTREMELY HELPFUL IN TERMS OF THE U.S. REJOINING THE ILO IN THE NEAR FUTURE. IT WOULD BE A SIGN OF PROGRESS.

(D) THE 1978 CACR WILL NOT, HOWEVER, CONSIDER AGAIN THE QUESTION OF ISRAELI APPLICATION OF CONVENTION 111

(DISCRIMINATION IN EMPLOYMENT) IN THE OCCUPIED TERRITORIES; UNDER ILO PROCEDURES THAT QUESTION WILL NOT COME UP AGAIN UNTIL 1979. ILO DG, HOWEVER, IS STILL OBLIGATED  
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TO REPORT TO 1978 AND 1979 CONFERENCES ON FOLLOW-UP TO 1974 ISRAEL RESOLUTION, DESPITE ACTION BY THE FEBRUARY-MARCH 1977 GOVERNING BODY TO "CLOSE THE BOOK" ON THE QUESTION. THE PROBLEM, THEREFORE, IS TO IDENTIFY A COURSE OF ACTION FOR 1978 WHICH WOULD BE ACCEPTABLE TO PARTIES MOST DIRECTLY CONCERNED WHILE OBSERVING DUE PROCESS. POSSIBILITIES INCLUDE THE FOLLOWING:

(1) ILO DG HAS INDICATED HIS WILLINGNESS TO HAVE ILO LEGAL OFFICE ISSUE AN OPINION UNDERSCORING THAT THE APPLICABILITY OF ILO CONVENTIONS TO OCCUPIED TERRITORIES DOES NOT SUGGEST ISRAELI SOVEREIGNTY OVER THOSE TERRITORIES. ALTERNATIVE IS FOR COMMITTEE OF EXPERTS TO INCLUDE A SIMILAR STATEMENT IN ITS REPORT.

(2) IN INFORMAL DISCUSSIONS WITH THE EGYPTIAN EMBASSY IN WASHINGTON, THE SUGGESTION HAS BEEN MADE THAT AN ILO RESOLUTION MIGHT DRAW LANGUAGE FROM SUCH AN OPINION TO REASSURE ARAB DELEGATIONS ON THIS MATTER. WE BELIEVE THE SUGGESTION IS WORTH EXPLORING, ALTHOUGH IT RUNS THE RISK OF INJECTING AN ESSENTIALLY LEGAL QUESTION INTO A POLITICAL FORUM.

(3) ACTION TO CHANNEL ISRAELI ISSUE INTO ILO DUE PROCESS CHANNELS WOULD BE MOST HELPFUL IN TERMS OF U.S. CONCERNS. SINCE QUESTION WILL NOT COME BEFORE CACR IN 1978, AND SINCE CONTINUED FOLLOW-UP OF 1974 ISRAEL RESOLUTION VIOLATES DUE PROCESS AS WELL AS DECISION BY FEBRUARY-MARCH 1977 GOVERNING BODY TO "CLOSE THE BOOK," TWO AVENUES REMAIN OPEN. FIRST WOULD BE TO INITIATE INVESTIGATION ON THE BASIS OF A COMPLAINT UNDER ARTICLE 26 OF ILO CONSTITUTION OF A "REPRESENTATION" BY EMPLOYER OR WORKER GROUP UNDER  
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ARTICLE 24. SECOND AVENUE WOULD BE TO FOLLOW THROUGH ON A 1974 REQUEST BY ISRAELI GOVERNMENT FOR A "SPECIAL SURVEY" BY ILO UNDER DISCRIMINATION PROCEDURES. ISRAELI REQUEST FOR SUCH A SURVEY WAS MADE OCTOBER 7, 1974, AND APPROVED BY GOVERNING BODY IN MARCH 1975. ACTION BY FEBRUARY-MARCH 1977 GOVERNING BODY TO "CLOSE THE BOOK" PRESUMABLY DID NOT TERMINATE ISRAELI REQUEST- WHATEVER COURSE OF ACTION WERE TAKEN, IT WOULD BE ESSENTIAL FOR BOTH ISRAELI AND ARAB GOVERNMENTS TO ACCEPT VISIT BY ILO INVESTIGATING TEAM TO OCCUPIED TERRITORIES--SOMETHING ARABS WERE NOT WILLING TO ACCEPT IN SEPTEMBER 1977 WHEN ILO DG WAS FORCED TO CANCEL SCHEDULED VISIT BY PROFESSOR OPSAHL.

(4) WE ALSO HOPE THAT A MORE PERMANENT PROCEDURE CAN BE WORKED OUT WHICH WOULD AVOID THE KIND OF DISPUTES WHICH AROSE AT THE 1977 CONFERENCE. ONE SUGGESTION IS, INSTEAD OF "APPROVING" OR "ACCEPTING" THE REPORT OF THE CONFERENCE COMMITTEE ON THE APPLICATION OF CONVENTIONS AND RECOMMENDATIONS, OR THE GOVERNMENTAL REPLIES WHICH ARE ANNEXED TO THE REPORT, THE CONFERENCE MIGHT "NOTE" THE REPORT OR "ACCEPT" THE REPORT BUT JUST "NOTE" THE ANNEXES. WE ARE NOT ENDORSING THIS SUGGESTION AS YET; SIMPLY RAISING IT AS A MATTER FOR CONSIDERATION.

4. DEPARTMENT WOULD APPRECIATE AMBASSADORS REVIEWING THESE MATTERS AS INDICATED AND REPORTING BACK ON EGYPTIAN AND ISRAELI REACTIONS. IF SADAT AGREES EGYPT CAN COOPERATE, IT WOULD BE USEFUL IF APPROPRIATE INSTRUCTIONS WERE SENT PARTICULARLY TO THE EGYPTIAN MISSION IN GENEVA. WE COULD CONTINUE DISCUSSIONS IN WASHINGTON AS WELL. AT SOME POINT IT MIGHT ALSO BE APPROPRIATE FOR SENIOR U.S. OFFICIALS TO VISIT CAIRO ON THIS ISSUE IN LIGHT OF THE FOREIGN MINISTER'S PERSONAL KNOWLEDGE OF THE ILO. VANCE

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5. FOR CAIRO AND TEL AVIV: WE RECOGNIZE THAT TOTAL EGYPTIAN AND ISRAELI CONCENTRATION ON CURRENT CAIRO TALKS MAY MAKE IMMEDIATE APPROACH INADVISABLE. IN THIS CONNECTION, EGYPTIAN AMBASSADOR GHORBAL WITH EGYPTIAN EMBASSY HERE HAS SUGGESTED THAT EGYPT WANTS TO BE OF ASSISTANCE BUT MAY FEEL THAT IT CANNOT MOVE UNTIL IT UNDERSTANDS MORE CLEARLY THE FINAL ARAB REACTION TO SADAT'S RECENT DIPLOMA-

TIC MOVES (SEE STATE 303984). AT SAME TIME PREVIOUSLY BE-  
CAUSE THE ISRAELIS AND EGYPTIANS HAVE AT LONG LAST DECLARED  
OPEN SEASON ON PRECONCEPTIONS AND EARLIER POSITIONS, THERE  
COULD BE SOMETHING TO SAY IN FAVOR OF AN EASY APPROACH. WE  
LEAVE TO YOUR JUDGMENT BEST TIME TO RAISE ISSUES ADDRESSED  
HERE. VANCE

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## Message Attributes

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